UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,422	02/21/2001	Lawrence Wilcock	30003000US	5849

7590 03/10/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2623	

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6

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	09/788,422	WILCOCK ET AL.
	Examiner	Art Unit
	Brian Q Le	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-10* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *21 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☒ All   b)☐ Some * c)☐ None of:
     1.☒ Certified copies of the priority documents have been received.
     2.☐ Certified copies of the priority documents have been received in Application No. _____ .
     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>5</u>.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

Claim Objections

1.   Claims 1, and 6-8 are objected to because these claims are very difficult to understand

due to the use of confusing language.   Appropriate correction is required.   The prior art rejection

based on the Examiner's best understanding.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuba U.S. Patent

No. 5,806,072.

Regarding claim 1, Kuba teaches a method of augmenting a set of image (image

management) recordings (abstract), wherein a set of image recordings are taken and

corresponding taken-image-recording location data is recorded to indicate the locations wherein

the image recordings were taken (directory to indicate the location of image's location) (FIG. 6);

and wherein desired-image-recording location data (column 2, lines 5-23) is also recorded to

indicate at least one location for which the user desires an, or a further, image recording; the

desired-image-recording location data being subsequently used to retrieve one or more

corresponding image recordings (FIG. 13-14).

For claim 2, Kuba also teaches a method wherein the location data is recorded in recording means that are separate from the means used to record the image recording (the difference between memory card which temporary stores record image and computer memory for image storage and reproduction, FAT file concept) (column 13, lines 36-50).

Regarding claim 3, Kuba teaches the method wherein the taken-image-recording location data and the desired-image-recording location data are recorded in the same sequence of data items (the directory information from the memory card once attached to the interface, the transferred information from the memory card to the computer storage will maintain the same sequence of data such as created directory, sub-directory and image name) (column 13, lines 36-67 and column 14).

Referring to claim 4, Kuba further teaches a method wherein the location data is recorded in the same recording means as used to record the image recordings (use computer storage to storage all the recording image) (column 13, lines 43-45).

Regarding claim 5, please refer back to claim 3 for further explanation.

For claim 6, Kuba discloses a method wherein the subsequent retrieval of image recordings corresponding to the desired-image-recording location data involves retrieving multiple image recordings for a said desired-image-recording, displaying the retrieved image recordings to the user, and enabling the user to choose one of the retrieved image recordings for retention and association with the take image recordings (column 51, lines 65-67 and column 52, lines 1-5).

Regarding claim 7, Kuba further teaches a method wherein the subsequent retrieval of image recordings corresponding to the desired-image-recording location data involves displaying

to the user a map of the area around a said desired-image-recording and obtaining user input

(column 28, lines 55-67) detailing a target subject, zone or point for which an image recording is

desired, and using this user input to facilitate retrieval of said desired image recording (column

51, lines 65-67 and column 52, lines 1-23).

For claim 8, Kuba teaches a method wherein subsequent to taking said image recordings,

the user is presented with a map display showing the locations where image recordings were

taken (column 50, lines 5-7), and wherein prior to retrieval of an image recording corresponding

to a particular item of said desired-image-location data, the location represented by that item is

indicated on the said map display when presented (column 51, lines 65-67 and column 52, lines

1-23).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba

U.S. Patent No. 5,806,072 as applied to claims 1 and 8 above, and further in view of Bacus U.S.

Patent No. 6,272,235.

Regarding claim 9, Kuba does not teach the concept where a particular item can be

initiated by clicking on a displayed graphic element associated with the displayed location

corresponding to that item. Bacus teaches a concept of managing images wherein the image item

can be initiated by click of the mouse clicking on a displayed graphic element (column 9, lines

15-30). Modifying Kuba's method of managing electronic imaging according to Bacus would

able to allow user to user the mouse or other point devices to execute images (view or enlarge)

quickly. This would improve processing and therefore, it would have been obvious to one of the

ordinary skill in the art to modify Kuba according to Bacus.

For claim 10, Kuba also does not teach the concept of using the Internet service system to

provide image recordings to registered uses on the basis of location data supplied in a service

request. Bacus further teaches this limitation (FIG. 1, FIG. 17, and FIG. 18). Modifying Kuba's

method of managing electronic imaging according to Bacus would able to allow user to access

the image storage by Internet from various locations around the world. This would improve

processing and therefore, it would have been obvious to one of the ordinary skill in the art to

modify Kuba according to Bacus.

CONCLUSION

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

The following patents are cited to further show the state of the art with respect to

electronic album, image management and maintenance:

U.S. Pat. No. 6,313,835 to Gever, teaches simplified on-line preparation of dynamic web sites.

U.S. Pat. No. 6,519,046 to Kinjo, teaches printing method for making a print from a photo

picture frame and a graphic image written by a user.

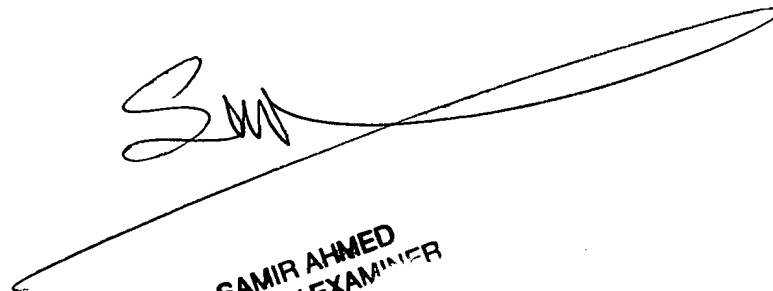U.S. Pat. No. 6,424,385 to Gever, still image system.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian Q Le whose telephone number is 703-305-5083. The

examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Amelia Au can be reached on 703-308-6604. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9306 for regular

communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to TC Customer Service whose telephone number is 703-306-0377.

BL
February 20, 2004

SAMIR AHMED
PRIMARY EXAMINER